

REMARKS

In response to the notice of panel decision from pre-appeal brief review, that applicant has amended independent claims 1, 8, 9, 10 and 11 and added new claims 12-20.

Rejection under 35 U.S.C. § 102

In the final office action dated October 12, 2006, the Examiner rejected claims 1-11 under 35 U.S.C. § 102(b) as being anticipated by Masui. Without conceding the appropriateness of the rejection,¹ and solely to advance this application to issuance, Applicants have amended the claims as shown above, to define the invention with greater particularity. In view of these amendments, withdrawal of the rejections is respectfully requested.

As amended claim 1 requires in part “accepting a rules base comprising a plurality of rules ... wherein each of the rules comprises a rule bit vector and each condition element is associated with a single bit in the rule bit vector ... [and] processing the rules base to form a data structure ... each rule being associated with a corresponding different portion of the data structure ... wherein the storage locations for holding values of the condition elements comprise bits of a selection bit vector with each condition element being associated with a different bit position in the selection bit vector.” Masui is not understood to disclose or suggest at least these features of claim 1.²

As amended claim 8 requires in part “a data structure formed using a rules base that includes a plurality of rules ... each rule of the rules base being associated with a corresponding portion of the data structure ... representing the condition for the rule and including storage locations [comprising] bits of a selection bit vector with each condition

¹ The applicant maintains that the claims as previously presented and the claims as currently pending differ from the Rete algorithm for at least the reasons presented in the reply to final office action dated January 29, 2007 and the pre-appeal brief dated April 12, 2007.

² For at least the reasons presented in the previous reply to final office action and the pre-appeal brief, Applicant emphatically disagrees that the Rete algorithm referred to by Masui in its background, or the variants of that algorithm described elsewhere in Masui, disclose or suggest the form of data structure recited in claim 1. If the examiner is to maintain the rejection of claim 1, the applicant requests that the examiner address the reasons presented in the reply to final office action dated January 29, 2007 and the pre-appeal brief dated April 12, 2007.

element being associated with a different bit position in the selection bit vector... [and] a compiler for processing the rules base ... wherein each of the rules comprises a rule bit vector and each condition element is associated with a single bit in the rule bit vector. Masui is not understood to disclose or suggest at least these features of claim 8.³

As amended claim 9 requires in part “a data structure formed using a rules base that includes a plurality of rules ... each rule being associated with a corresponding different portion of the data ... wherein [] storage locations for holding values of [] condition elements comprise bits of a selection bit vector with each condition element being associated with a different bit position in the selection bit vector... and a rules processing engine coupled to the data structure for operation according to the rules base, wherein each of the rules comprises a rule bit vector and each condition element is associated with a single bit in the rule bit vector.” Masui is not understood to disclose or suggest at least these features of claim 9.⁴

As amended claim 10 requires in part “storage locations for values associated with conditions for a plurality of rules in a rules base ... wherein each rule is associated with a corresponding bit vector of the data structure, each bit vector including storage locations for holding values of the condition elements of the condition for said rule, wherein the storage locations comprise bits of a bit vector with each condition element being associated with a different bit position in the bit vector.” Masui is not understood to disclose or suggest at least these features of claim 10.⁵

As amended claim 11 requires in part software that includes software to “accept a

³ For at least the reasons presented in the previous reply to final office action and the pre-appeal brief, Applicant emphatically disagrees that the Rete algorithm referred to by Masui in its background, or the variants of that algorithm described elsewhere in Masui, disclose or suggest the form of data structure recited in claim 8. If the examiner is to maintain the rejection of claim 8, the applicant requests that the examiner address the reasons presented in the reply to final office action dated January 29, 2007 and the pre-appeal brief dated April 12, 2007.

⁴ For at least the reasons presented in the previous reply to final office action and the pre-appeal brief, Applicant emphatically disagrees that the Rete algorithm referred to by Masui in its background, or the variants of that algorithm described elsewhere in Masui, disclose or suggest the form of data structure recited in claim 9. If the examiner is to maintain the rejection of claim 9, the applicant requests that the examiner address the reasons presented in the reply to final office action dated January 29, 2007 and the pre-appeal brief dated April 12, 2007.

⁵ For at least the reasons presented in the previous reply to final office action and the pre-appeal brief, Applicant emphatically disagrees that the Rete algorithm referred to by Masui in its background, or the variants of that algorithm described elsewhere in Masui, disclose or suggest the form of data structure recited in claim 10. If the examiner is to maintain the rejection of claim 10, the applicant requests that the examiner address the reasons presented in the reply to final office action dated January 29, 2007 and the pre-appeal brief dated April 12, 2007.

rules base comprising a plurality of rules... [and] process the rules base to form a data structure, each rule being associated with a corresponding portion of the data structure, the corresponding portion representing the condition for the rule and including storage locations for holding values of the condition elements of the condition for said rule, wherein each condition element is represented by a single bit in the storage locations.” Masui is not understood to disclose or suggest at least these features of claim 11.⁶

Rejection under 35 U.S.C. § 101

In the final office action dated October 12, 2006, the Examiner rejected claims 1-11 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Action states “claims 1-11 are broad in concept. Specifically, in claims 1-11, the concept of rules applies to the entire domain or rules and thereby preempts the abstraction of rules.”

This statement appears to ignore the limitations recited in claims. For example, claim 1 does not include in its scope the previously known Rete algorithm. There is nothing abstract or intangible about the limitations of the claim – “processing the rules base to form a data structure in a computing system, each rule being associated with a corresponding portion of the data structure, each corresponding portion representing the condition for the rule and including storage locations for holding values of the condition elements of the conditions for said rule.” This step is tangible in its arrangement of the data structure in a computing system. Furthermore the claimed subject matter is useful as a basis for efficient processing of the rules.

The claims are not directed to abstract ideas and do not preempt the abstraction of rules. The claims meet all the requirements of 35 USC 101.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement

⁶ For at least the reasons presented in the previous reply to final office action and the pre-appeal brief, Applicant emphatically disagrees that the Rete algorithm referred to by Masui in its background, or the variants of that algorithm described elsewhere in Masui, disclose or suggest the form of data structure recited in claim 11. If the examiner is to maintain the rejection of claim 11, the applicant requests that the examiner address the reasons presented in the reply to final office action dated January 29, 2007 and the pre-appeal brief dated April 12, 2007.

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with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Request for Continued Examination fee in the amount of \$395.00 and the Petition for Extension of Time fee in the amount of \$225.00 are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 30008-002001.

Respectfully submitted,

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